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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197165
Party	Defendant Tara Subkoff
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Ser. No. 85033616

Mark: IMITATION OF CHRIS

WERNER CHRIST GMBH)	
)	
)	Proceeding No. 91197165
Opposer,)	
)	
v.)	
)	
TARA SUBKOFF,)	
)	
Applicant.)	
)	

ANSWER

Applicant Tara Subkoff (“Applicant”), by and through its undersigned counsel, hereby answers and asserts affirmative defenses to the Notice of Opposition of Opposer Werner Christ GmbH (“Opposer”). To the extent that a response to the statements in the introductory paragraphs is required, Applicant (i) denies that Opposer will be damaged by the registration of Applicant’s applied-for mark.

Registrant answers and responds to the like-numbered paragraphs of the Notice of Opposition as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 1 of the Notice of Opposition and on that basis denies same.

2. Applicant neither admits nor deny the allegations set forth in Paragraph 2 of the Notice because the allegations do not require such a response, and Applicant respectfully refers to the U.S trademark registration listed in Paragraph 2 of the Notice for a full and complete statement of its content.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 3 of the Notice of Opposition and on that basis denies same.

4. Applicant neither admits nor deny the allegations set forth in Paragraph 4 of the Notice because the allegations do not require such a response, and Applicant respectfully refers to the U.S. trademark registration printout attached as Exhibit A of the Notice for a full and complete statement of its content.

5. Applicant admits the allegations set forth in Paragraph 5 of the Notice of Opposition.

6. Applicant admits the allegations set forth in Paragraph 6 of the Notice of Opposition.

7. Applicant admits the allegations set forth in Paragraph 7 of the Notice of Opposition.

8. Applicant reincorporates by reference each and every answer set forth in Paragraphs 1 through 7.

9. Applicant denies the allegations set forth in Paragraph 9 of the Notice of Opposition.

10. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 10 of the Notice of Opposition and on that basis denies same.

11. Applicant denies the allegations set forth in Paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations set forth in Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations set forth in Paragraph 13 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

14. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's and Opposer's marks are not confusingly similar due to (a) the differences in the appearance, sound, connotation and commercial impression; (b) the goods and services with which the marks are actually used are not related; and (c) the channels of trade in which the goods and services travel are different.

15. Opposer's claims are barred because of laches, estoppel and/or acquiescence.

16. Opposer and Applicant have coexisted in the marketplace without any known instances of confusion.

17. Upon information and belief, Opposer abandoned use of Opposer's marks in connection with some of the goods identified in the Opposer's registration.

18. Opposer will not be damaged by registration of Applicant's Mark.

WHEREFORE, having fully answered, Applicant prays for judgment against Opposer,

dismissing the Notice of Opposition with prejudice, and awarding Applicant such other and further relief as the Board deems just and equitable.

Dated: December 8, 2010


Respectfully submitted,
GREENBERG TRAURIG, LLP

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Certificate of Service

I hereby certify that on this 8th day of December 2010, the foregoing ANSWER was served upon Opposer's counsel of record by First Class Mail:

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